

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL No. 1456

Civil Action No. 01-CV-12257-PBS

THIS DOCUMENT RELATES TO:
State of Iowa v. Abbott Laboratories, Inc., et al.

Judge Patti B. Saris

STIPULATION CONCERNING THE USE OF PRIOR DEPOSITIONS

This Stipulation is made between Plaintiff, the State of Iowa, and Defendant, Barr Laboratories, Inc. ("Barr").

WHEREAS, the State of Iowa has alleged, among other things, that drug manufacturers, including Barr, reported false prices for their prescription drugs and thereby violated Federal and Iowa law and caused damage to Iowa;

WHEREAS, Barr denies each and every allegation asserted by the State of Iowa;

WHEREAS, Timothy Catlett, Barr's former senior vice president of marketing and sales, was deposed on May 30, 2007 and May 7, 2008 in other AWP cases, but the State of Iowa did not cross-notice either of these depositions either because the Iowa case had not been filed or discovery had not yet commenced;

WHEREAS, the State of Iowa intends to cross-notice Mr. Catlett's upcoming November 18-19, 2009 deposition;

WHEREAS, the parties wish to avoid subjecting Mr. Catlett to further depositions, particularly given that he is no longer a Barr employee.

NOW THEREFORE, it is stipulated and agreed by the parties hereto that:

1. The State of Iowa will cross-notice Mr. Catlett's November 18-19, 2009 deposition in *State of Iowa v. Abbott Laboratories, Inc., et al.* Further, the State of Iowa will not notice or cross-notice any further depositions of Mr. Catlett, and will not seek to depose a Barr corporate representative on any of the topics previously noticed.

2. Barr agrees that Mr. Catlett's May 30, 2007 and May 7, 2008 depositions shall be deemed to have been timely cross-noticed by Plaintiff in *State of Iowa v. Abbott Laboratories, Inc., et al.* and may be used by Plaintiff to the fullest extent as if taken in that case.

3. The Plaintiff State of Iowa agrees that, by stipulating to Plaintiff's use of Mr. Catlett's May 30, 2007 and May 7, 2008 depositions in *State of Iowa v. Abbott Laboratories, Inc., et al.*, Barr does not waive and expressly preserves any objection, evidentiary or otherwise, that it asserted or could have asserted at the time of the taking of these depositions and does not waive any objection to admissibility of such testimony at trial.

Dated: November 18, 2009



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